

REMARKS

The application used to have several claims at the time of the last Rejection dated May 12, 2003. The rejection included 35 U.S.C. 112 and 35 U.S.C. 103. In detail, claim 16-20, 29 and 31-33 were rejected under 35 U.S.C. 112, Claims 1-3 and 27-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 17-41 of copending Application No. 10/128,244, which now is patented as USP 6,781,216, claims 1-4, 11-15, 27, 28 and 30 were rejected under 35 U.S.C. 103(a), claim 5, 6 and 8-10 were rejected under 35 U.S.C. 103(a), and claim 7 was rejected under 35 U.S.C. 103(a).

First, claim 1-20, 27, 28 and 30-33 were cancelled in the amendment filed with the instant petition of February 20, 2004 while claim 21-26 had been withdrawn from the consideration. Further, the terminal disclaimer had been filed September 8, 2003. Thus, there are no reasons to reject any claims left in the application under 35 U.S.C. 103(a) and the judicially created doctrine of obviousness-type double patenting. The rejection under 35 U.S.C. 112 against claim 29 remains in this application.

In the Action dated May 12, 2003, as to claim 29 of the invention, the examiner asserts the followings:

[C]laim 29 recites: "a peripheral area surrounding the circuit area; wiring patterns formed on the substrate in the circuit area, the wiring pattern including a pad pattern", and further asserts that however, the pad pattern is formed between the dummy patterns 600a and 600b. Therefore, the pad pattern is formed within the peripheral area. Thus, claim 29 is contradicting itself, thus, indefinite.

In response to the examiner's assertion, Applicant filed Paper on February 20, 2004, arguing, at page 4, line 21 – page 5, line 17, as follows:

Preliminary Amendment

09/625,178

Claim 29 is drafted mainly to cover the third embodiment, which is illustrated in Fig. 7A and 7B. First, according to Fig. 7B and the specification on page 14, lines 15-16, it is clearly disclosed that a bonding pad 601 is formed in a circuit area. Second, it is not necessary to interpret that a circuit area is a single area. The examiner asserts that the term "peripheral" means "outer part". However, it shall not be interpreted so restrictively. The term "peripheral area" means an area on the periphery of circuit area, which includes "outer part". Thus, the circuit area could be divided into some by a peripheral area, and it is actually done in the third embodiment. In the third embodiment, the bonding pad 601 is formed in the circuit area, and the first and fourth dummy patterns 600b, 600a are formed in the peripheral area. Thus, the circuit area is divided by the pattern 600a. Thus, there is no inconsistency between claims and disclosure of the invention. In addition, an analysis of the intrinsic evidence alone will resolve any ambiguity in a disputed claim term. In such circumstances, it is improper to rely on extrinsic evidence. Vitronics Corp. v. Conceptronic, Inc, 90 F.3d 1576 (Fed.Cir.1996). Further, [A] patentee is free to be his own lexicographer. Markman v. Westview Instruments, Inc. 53 F.3d 967,980 (Fed.Cir.1995). Moreover, if intrinsic evidence clearly shows the meaning of the term, and if the meaning disclosed in the specification is conflict with the extrinsic evidence, then, an inconsistent dictionary definition must be rejected. Texas Digital Systems, Inc. v. Telegenix, Inc. 308 F.3d 1193, 1204

Applicant still does not change his position. Nevertheless, in order to make the claim limitation clearer, claim 29 is amended as described above. In short, a circuit area is changed to a first area, and a third area is added as new limitation. Further, the peripheral area is amended to a second area, which includes a first part and a second part. In amended claim 29, a first dummy pattern is formed in the first part of the second area, and a second dummy pattern is formed in the second part, whereby a pad pattern is encompassed by the first and second dummy patterns.

By this amendment to claim 29, Applicant understands that the rejection under 35 U.S.C. 112 is clearly dissolved.

It is noted that this Amendment has been prepared using the requested new format. If there are any irregularities in this format, it would be greatly appreciated if Applicant's Counsel would be so advised

In view of the foregoing, the application is deemed to be in condition for allowance and such is earnestly solicited. Should any fee be needed, please charge it to our Account No. 50-0945 and notify us accordingly.

Examination of the application is respectfully requested.

Respectfully submitted,



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